

REMARKS

Reexamination and reconsideration of the rejections are hereby requested.

Claims 1-79 are pending in this application and Claims 8-79 were elected for prosecution on the merits.

Claims 52, 58 and 61 have been rejected under 35 U.S.C. §112, 2nd paragraph as indefinite and under 35 U.S.C. §101 as not being directed to statutory subject matter. The examiner has cited MPEP 2173.05(p), §2. This section of the MPEP states that “a single claim which claims both an apparatus and the method steps of using the apparatus is indefinite”. It is submitted that the application of this rule has been misapplied. Claim 52 sets forth a system that includes a receiver. The receiver includes a detector and a processor connected to a list structure and to the detector. The Claim recites that the processor is programmed to execute recited steps. Thus, while Claim 52 is directed to a system or apparatus, this Claim does not include method steps of using the apparatus. That is to say, Claim 52 does not include steps for using the system but merely recites how the processor is programmed. There are myriad patents directed, for example, to computer systems that include a microprocessor programmed to carry out processing steps. Claims 58 and 61 are similar to Claim 52 in this regard. Again, the steps set forth in Claims 52, 58 and 61 are not steps for using the system but rather are steps a processor carries out as part of the hardware of the claimed system. Reconsideration is requested.

The drawings have been objected to under 37 CFR 1.83(a). In response, Claim 56 has been cancelled. It is submitted that Claim 56 is the only Claim including the language “a central computer system” and therefore the cancellation of Claim 56 overcomes the objection to the drawing.

Claims 8-24, 26-51, 53-58, 59-60, and 62-79 stand rejected under 35 U.S.C. §102e as being anticipated by Perkins, et al., U.S. Patent No. 6,865,347. Claims 25, 52, 58 and 61 stand rejected under 35 U.S.C. §103(a) as unpatentable over Perkins. As set forth in detail in the specification beginning with the last paragraph on Page 7, support for the various claims is found in previous applications to which the present application claims priority. For example, Claim 8 is supported at least in U.S. Patent No. 6,400,482 filed April 14, 1999 which is prior to the effective filing date of the Perkins, et al., reference. Further, Claims 64-72 include the limitation

that variations resulting from data transmission are imperceptible to the human eye. It is submitted that Perkins makes no such disclosure.

For the foregoing reasons, it is submitted that the pending claims are in condition for allowance and early favorable action is requested.

Respectfully submitted,
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